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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,374	09/26/2001	Jeffry Harlow Loucks	PALM-3612	6414

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EXAMINER

TO, JENNIFER N

ART UNIT	PAPER NUMBER
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2195

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/965,374

Applicant(s)

LOUCKS, JEFFRY HARLOW

Examiner

Jennifer N. To

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

1. Claims 1-29 are pending for examination.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter in which the applicant regards as his invention.

3. Claims 15, and 23-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following terms lacks antecedent basis:

- i. the background task – claim 15;
- ii. the background thread – claim 23;

- b. The claim language in the following claims is not clearly understood:

- i. as per claim 23, lines 10-11, the term “may be” rendered the claim indefinitely as to determine the meet and bound of the claim limitation. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 10-11, and 14-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Akiyama et al. (hereafter Akiyama) (U.S. Patent No. 6430594).
4. As per claim 10, Akiyama teaches the invention a method for scheduling tasks (col. 1, lines 7-14) comprising:
  - a) a task registering at least one registered service, the task invoked by a kernel of a computer operating system in a dedicated pre-assigned time slice, the task for providing an execution presence and data presence to the registered service (fig. 1; col. 3, lines 32-53; col. 9, lines 51-64);
  - b) the task ranking the registered service according to the requirements of the registered service (col. 8, lines 27-30); and
  - c) the task allocating the execution presence and the data presence accordingly to each of the registered services such that each of the registered services is given an opportunity to be scheduled in the dedicated pre-assigned time slice (fig. 5; col. 5, lines 25-55).
5. As per claims 11, and 15, Akiyama further teaches the step of task searching for at least one registered service associated therewith (col. 6, lines 29-41).

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6. As per claim 14, Akiyama further teaches the step of periodically repeat steps a) through c) (figs. 9, 11; col. 9, lines 31-34).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-9, 12-13, and 16-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama et al. (hereafter Akiyama) (U.S. Patent No. 6430594), and in view of Burns (U.S. Patent No. 6098090).

9. Burns was cited in the previous office action.

10. As per claim 1, Akiyama teaches the invention substantially as claim including a method for scheduling tasks (col. 1, lines 7-14) comprising:

a) a task registering at least one registered service, the task invoked by a kernel of a computer operating system in a dedicated pre-assigned time slice, the task for providing an execution presence and data presence to the registered service (fig. 1; col. 3, lines 32-53; col. 9, lines 51-64);

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- b) the task ranking the registered service according to the requirements of the registered service (col. 8, lines 27-30); and
- c) the task allocating the execution presence and the data presence accordingly to each of the registered services such that each of the registered services is given an opportunity to be scheduled in the dedicated pre-assigned time slice (fig. 5; col. 5, lines 25-55).

Akiyama did not specifically teach background and foreground task.

11. However, Burns teaches background task (col. 1, lines 55-58).

12. It would have been obvious to one of an ordinary skill in the art at the time the invention was made to have combined the teaching of Akiyama and Burns because Burns teaching of background tasks would improve the integrity of Akiyama's system by enabling a task to register the execution of one or more background tasks, and minimizing the amount of system resources (Burns, col. 1, lines 55-61).

13. As per claims 2, and 9, Akiyama teaches Akiyama further teaches the step of task searching for at least one registered service associated therewith (col. 6, lines 29-41).

14. As per claims 3-4, it is rejected for the same reason as claim 1 above.

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15. As per claims 5-6, Akiyama teaches wherein the service is a system related activity and/or an interrupt-related activity (fig. 6).

16. As per claim 7, Burns teaches wherein the service is a background-related activity (fig. 1).

17. As per claim 8, Akiyama teaches the step of periodically repeating the steps a) through c) (figs. 9, 11; col. 9, lines 31-34).

18. As per claims 12-13, and 16-29, they are rejected for the same reason as claims 1-9 above.

### ***Response to Arguments***

19. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer N. To whose telephone number is (571) 272-7212. The examiner can normally be reached on M-T 6AM- 3:30 PM, F 6AM- 2:30 PM.

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21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer N. To  
Examiner  
Art Unit 2195

  
SUPERVISOR  
PATENT EXAMINER